

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERICK RANDALL SANDERS,

No. C 14-1298 SI (pr)

Plaintiff,

**ORDER DENYING REQUEST FOR
APPOINTMENT OF COUNSEL**

v.

Sheriff's Deputy MIXON,

Defendant.

Plaintiff has requested that counsel be appointed to assist him in this action. A district court has the discretion under 28 U.S.C. §1915(e)(1) to designate counsel to represent an indigent civil litigant in exceptional circumstances. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). This requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *See id.* Neither of these factors is dispositive and both must be viewed together before deciding on a request for counsel under § 1915(e)(1). Here, exceptional circumstances requiring the appointment of counsel are not evident. The only claim in this action is a straightforward excessive force claim that was adequately explained in plaintiff's handwritten second amended complaint and does not present any complex legal issues. The request for appointment of counsel is DENIED. (Docket # 37.)

IT IS SO ORDERED.

Dated: December 12, 2014



SUSAN ILLSTON
United States District Judge